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SUBJECT: MALAWI - SPEAKER CONVOKES PARLIAMENT, OPPOSITION VOWS IT
WON'T BE FOOLED AGAIN

11. (SBU) Summary: The Speaker of the National Assembly announced April 5 that the next session of parliament will begin on April 28, almost eight months after President Mutharika dismissed the last session. Opposition leaders from both the United Democratic Front (UDF) and the Malawi Congress Party (MCP) continued to insist that Section 65, which requires MPs who change parties to vacate their seats and compete in by-elections, must be implemented before any other business in the National Assembly. Government continues to counter that the Section 65 issue remains tied up in court and that the Speaker is powerless to implement the measure. After President Mutharika reneged last year on an agreement to allow implementation of Section 65 in return for opposition cooperation on passing the national budget, another lengthy and bitter impasse is likely in store for the legislature. End Summary.

Speaker Sets a Date for Parliament

12. (U) On April 5, the Speaker of the National Assembly, Louis Chimango, announced the next session of the National Assembly will begin on April 28. The Speaker also announced that the 2008/9 national budget session would begin on May 19, leaving only three weeks for the National Assembly to conclude business on outstanding legislation and appointments for vacant positions.

13. (U) President Mutharika dismissed the last session of the National Assembly on September 14, 2007 after the legislature passed the national budget. Opposition parties believed at that time they had reached an agreement with the government that would have allowed the Speaker to implement Section 65 of the Malawi Constitution after the budget was passed. Section 65 requires the Speaker to declare vacant the seats of MPs who cross the floor and join a new party after they have been elected. According to the provision, the floor-crossers must seek re-election under their new party through a by-election to return to their seat. Section 65 could affect over 40 of President Mutharika's Democratic Progressive Party (DPP) MPs. Instead of following through on the alleged agreement, however, the president dismissed the National Assembly, leading to charges of bad faith and a further impasse.

Government Claims Section 65 Still in Court

14. (U) The government claimed that the matter of Section 65 is still in the courts and that numerous pending court cases barring the Speaker have yet to be fully removed. The Malawi Law Society supported this view in a March press release where they analyzed the current status of all injunctions and cases pending in court. The government said they expect the National Assembly to conduct normal business until May 16 and that President Mutharika will begin the budget session on May 19.

Opposition Won't Be Fooled Again

15. (U) Opposition leaders from both the MCP and UDF countered that the parties still expect Section 65 to be implemented before conducting any other business in the National Assembly. Leader of the Opposition and head of MCP John Tembo said "we cannot have parliament without Section 65." Leader of the UDF in the National Assembly George Mtafu stated that without Section 65, "the session will drag" as opposition is forced to wait out government on the issue.

More of the Same

16. (SBU) Section 65 has dominated the budget sessions of the National Assembly for the past two years and will likely do so again this year. By calling a session of the National Assembly before the May 19 budget session, the government is satisfying a constitutional requirement to have two sessions per year, but if Mutharika continues his steadfast refusal to allow implementation of Section 65, little substantive work will be completed. With campaigning for next year's elections already underway, opposition parties appear set to stand firm on Section 65, leading to another bitter and lengthy impasse.

EASTHAM